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REMARKS

Claims 1-14 were originally presented in the subject application. Claims 15 and 16 were added, and claim 5 was amended in a response dated March 13, 2006. No claims have herein been amended, added or canceled. Therefore, claims 1-16 remain in this case.

The addition of new matter has been scrupulously avoided.

Applicants respectfully request entry and consideration of these remarks, and withdrawal of the grounds of rejection.

35 U.S.C. §102 Rejections*Reply to "Response to Arguments"*

With regard to Applicants' remarks in their prior response regarding the rejection of claim 1 over Peinado, the final Office Action alleges that "...nothing in the claim 1 suggests that the decoding controller perform only certain functions." Applicants point out that claim 1 recites sending the request *from a decoding controller*. Applicants submit there is no decoding controller in Peinado that sends a request for access to encoded data stored in the same data processing apparatus in which the decoding controller sits. The final Office Action appears to argue that the DRM system generally somehow satisfies this limitation. However, Applicants submit that the limitation of which component sends the request cannot be ignored.

Similarly, the final Office Action alleges that the Marvit client/personal computer generally somehow satisfies the "sending" limitation of claim 1 noted above. Again, Applicants submit that the limitation of which component actually sends the request (the decoding controller) cannot be ignored. Applicants submit that an unspecified "client/personal computer" is not a decoding controller. The claim does not recite requesting generally, but requesting by the decoding controller. Moreover, the decoding controller sits in the same data processing apparatus as the encoded data to which access is sought.

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Applicants submit the above is especially true for an anticipation rejection, which essentially requires that the exact same thing as claimed be disclosed by the cited reference.

Peinado et al.

The Office Action rejected claims 1-2, 4, 5 and 7-16 under 35 U.S.C. §102(e), as allegedly anticipated by Peinado et al. (U.S. Patent No. 6,775,655). Applicants respectfully, but most strenuously, traverse this rejection.

With respect to the anticipation rejection, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In this instance, Applicants submit that Peinado et al. fails to disclose at least one element of each of the independent claims and as a result does not anticipate, or even render obvious, Applicants' invention.

Claim 1 recites, for example, sending a request from a decoding controller on the first data processing apparatus to a second data processing apparatus to determine attributes of a decoding process for accessing the encoded data. Against the claimed decoding controller, the final Office Action cites to the black box of Peinado et al.

Regarding independent claim 1, Applicants refer the reader to the arguments above and those made in the prior response, dated March 13, 2006, and herein incorporated.

In addition, Applicants submit that the system of Peinado does not provide access to protected content in response to a request, as claimed in claim 1. Instead, Peinado only allows access to individual content if a valid license is found. A request in Peinado triggers a license search, not the provision of access to the content.

Therefore, for the reasons in the prior response and herein, Applicants submit that claim 1 cannot be anticipated by, or made obvious over Peinado et al.

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Independent claims 10-12 each contain a limitation similar to that argued above with respect to claim 1. Thus, the remarks above with regard to claim 1 apply equally to those claims. Therefore, claims 10-12 also cannot be anticipated by, or made obvious over Peinado et al.

Applicants submit that the dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, claim 5 recites, subsequent to receiving said determined attributes, checking whether program code implementing said identified one or more of a cryptor, a compressor and an authenticator is stored on the first data processing apparatus; and, if not, initiating downloading of the respective program code from the second data processing apparatus or another data processing apparatus.

Against claim 5, the final Office Action cites to FIG. 7, reference numerals 711 and 30, along with FIG. 8. However, Peinado explains starting at column 19, line 64 that the version number of the black box is checked. Applicants submit that checking for the version of something is quite different from checking whether it is there at all. Peinado assumes some version of the black box is present, whereas claim 5 recites checking for the presence of the specified program code.

Therefore, Applicants submit that claim 5 cannot be anticipated by Peinado.

As another example, claim 15 recites negotiating the attributes prior to receiving them. The "attributes" recited in claim 15 are set forth in claim 1 as attributes of a decoding process for accessing the encoded data.

Against claim 15, the final Office Action cites to Peinado at FIG. 7. As set forth at column 20, line 40 of Peinado, it is a license that is negotiated with the user. However, Applicants submit that a license is not an attribute of a decoding process, as claimed. Rather, the presence of a valid license is a prerequisite to accessing or decoding the licensed data, and checking for one is a separate step in Peinado.

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Therefore, Applicants submit that claim 15 cannot be anticipated by Peinado.

As still another example, claim 16 recites that the attributes change for a subsequent requestor session.

Against claim 16, the final Office Action cites to column 21, lines 46-62 of Peinado. However, the cited section of Peinado merely teaches re-issuing a license if lost. Applicants submit that re-issuing a license is different from changing decoding process attributes.

Therefore, Applicants submit that claim 16 cannot be anticipated by Peinado.

Marvit et al.

The Office Action rejected claims 1, 3 and 7-14 under 35 U.S.C. §102(e), as allegedly anticipated by Marvit et al. (U.S. Patent No. 6,625,734). Applicants respectfully, but most strenuously, traverse this rejection.

As noted above, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In this instance, Applicants submit that Marvit et al. fails to disclose at least one element of each of the independent claims and as a result does not anticipate, or even render obvious, Applicants' invention.

Regarding claim 1, Applicants refer the reader to the arguments at the bottom of page 2 of this response and those made in the prior response of March 13, 2006, and incorporated herein.

Therefore, for the reasons in the prior response and herein, Applicants submit that claim 1 cannot be anticipated by, or made obvious over Marvit et al.

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Independent claims 10-12 each contain a limitation similar to that argued above with respect to claim 1. Thus, the remarks above with regard to claim 1 apply equally to those claims. Therefore, claims 10-12 also cannot be anticipated by, or made obvious over Marvit et al.

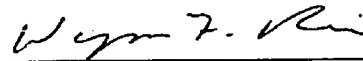
CONCLUSION

Applicants submit that the dependent claims not specifically addressed above are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-16.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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Dated: June 6, 2006.

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